

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DAVID E. MACK §
§
V. § CASE NO. 4:11cv347
§ (Judge Schneider/Judge Mazzant)
J.A.CAMBECE LAW OFFICE , ET AL. §

ORDER TO MEET, REPORT AND APPEAR AT SCHEDULING CONFERENCE

1. Counsel and all unrepresented parties must comply with the following deadlines:

PRETRIAL EVENTS	DEADLINES
Deadline to file motions to transfer	October 6, 2011
Hold a meeting as required by Fed. R. Civ. P. 26(f)	October 6, 2011
File a joint report that reflects the parties' detailed case management plan. The report must contain the information required on the attached form.	October 13, 2011
Counsel and all unrepresented parties must appear in person for a Scheduling Conference.	Thursday, October 20, 2011, at 11:15 a.m. at the U. S. Courthouse Annex, Chase Bank Building, Mezzanine Level, 200 N. Travis Street, Sherman, Texas 75090

2. Unrepresented parties, unless incarcerated, are bound by the requirements imposed upon counsel in this Order.
3. Counsel must file with the clerk within fifteen days from receipt of this order a certificate listing all persons, associations of persons, firms, partnerships, corporations, affiliates, parent corporations, or other entities that are financially interested in the outcome of this litigation. If a group can be specified by a general description, individual listing is not necessary. Underline the name of each corporation whose securities are publicly traded. If new parties are added or if additional persons or entities that are financially interested in the outcome of the litigation are identified at any time during the pendency of this litigation, then each counsel must promptly file an amended certificate with the clerk.
4. Plaintiff's counsel must immediately notify the Court upon settlement.

5. Failure to comply with this Order invites sanctions, including dismissal for want of prosecution and/or other appropriate judgment. *See* Fed. R. Civ. P. 16(f).

IT IS SO ORDERED.

SIGNED this 16th day of September, 2011.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE

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JOINT DISCOVERY/CASE MANAGEMENT PLAN

Please restate each instruction before furnishing the requested information.

Any differences between parties as to the response(s) to any matter must be set forth in this report.

This document is available in word perfect format on the Court's website (*See* www.txed.uscourts.gov).

1. State where and when the conference among the parties required by FED. R. CIV. P. 26(f) was held, and identify the counsel who attended for each party, including name, address, bar number, phone and fax numbers, and email address.
2. List the name, bar number, address, email address, and telephone number of counsel and any unrepresented person who will appear at the Scheduling Conference on behalf of the parties. Appearing counsel must be an attorney of record, have full authority to bind clients and enter into stipulations regarding all matters that may be discussed.
3. List the correct names of the parties to this action.
4. List any related cases pending in any state or federal court. Include the case numbers, the courts, and how they are related.
5. Briefly describe in 3 pages or less: (a) What this case is about and (b) Each claim or defense. (The parties should not simply recite the pleadings.)
6. Specify the basis of federal jurisdiction.
7. Identify the parties who disagree with plaintiff's jurisdictional allegations and state the reasons for disagreement.
8. List anticipated additional parties that may be included, when they might be added and by whom.

9. List anticipated interventions.
10. Describe any class-action or collective-action issues.
11. State whether the parties are exempt from initial disclosures under Rule 26(a)(1)(B).
12. Describe the proposed discovery/case management plan, including:
 - (a) In accordance with Rule 26(f):
 - (1) Any changes that should be made in the timing, form, or requirement for disclosures under Rule 26(a), including when the initial disclosures were made or will be made (*see also* Proposed Dates For Scheduling, ¶ 22);
 - (2) The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on limited issues (*see also* Proposed Dates For Scheduling, ¶ 22);
 - (3) Any issues relating to disclosure and discovery of electronically stored information (ESI), including the form(s) in which it should be produced;
 - (4) The steps already taken or that will be taken for preserving discoverable information, including ESI;
 - (5) Any issues relating to claims of privilege or protection, including whether any agreement has been reached as to inadvertent production;¹
 - (6) Any changes that should be made in the limitations on discovery imposed by the Rules, whether federal or local, and any other limitations that should be imposed.
 - (b) Of whom and by when plaintiff anticipates taking oral depositions.
 - (c) Of whom and by when defendant anticipates taking oral depositions.
 - (d) When plaintiff (or the party with the burden of proof on an issue) will be able to designate experts and provide the reports required by Rule 26(a)(2)(B), and when the opposing party will be able to designate responsive experts and provide their reports (*see also* Proposed Dates For Scheduling, ¶ 22).

¹ See www.txed.uscourts.gov for the court's standard protective order.

- (e) When plaintiff (or the party with the burden of proof on an issue) anticipates taking expert depositions and the anticipated completion date.
- (f) When the opposing party anticipates taking expert depositions and the anticipated completion date.
- (g) Whether there should be separate deadlines for the completion of fact discovery and expert discovery.
- (h) If the parties disagree on any part of the discovery plan, describe the opposing views.

13. Specify any discovery beyond the initial disclosures that has taken place to date.

14. State the progress made toward settlement, and the present status of settlement negotiations by providing the information set out below.²

- a. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in the Rule 26(f) meeting.
- b. Describe what each party has done or agreed to do to bring about a prompt resolution of this case.
- c. State whether a demand and an offer have been made.
- d. If the parties have agreed on a specific mediator, state the name and address of the mediator and at what stages of the litigation mediation is most appropriate.

15. United States Magistrate Judges are vested with full authority to try both jury and nonjury trials. State whether the parties agree to trial before a United States Magistrate Judge.³

16. State whether a jury demand has been made and if it was made on time.

17. Specify the number of hours each party will need to present evidence and cross-examine witnesses in the trial of this case.

18. List any pending motions that could be ruled on at the Scheduling Conference.

² This must be a detailed answer. Do not submit a generic recitation that settlement was discussed but was unsuccessful.

³ The court urges parties to give this option serious consideration. Parties consenting should file the appropriate form as soon as possible so that a Rule 16 management conference can be scheduled before the Magistrate Judge. See Appendix "B," Local Rules For the Eastern District of Texas and www.txed.uscourts.gov.

19. List all other pending motions.
20. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the court at the Scheduling Conference.
21. Certify that all parties have filed Disclosure of Interested Persons as directed in paragraph 3 in the **Order to Meet, Report and Appear at Scheduling Conference**, listing the date of the original and any amendments.
22. Proposed Dates for Scheduling. Please review the proposed deadlines for many of the pretrial events (listed below) that will be scheduled for this case. Both the events and the proposed dates are intended to give the parties guidance in (1) formulating answers to the other parts of this questionnaire and (2) scheduling the events preceding the trial. The Scheduling Order that will be entered at the Scheduling Conference will necessarily be more specific, more detailed, and contain additional matters and discovery limitations. The court's suggested dates and events may be appropriate for this case. If not, please propose suggested modifications that the parties believe are suited for this lawsuit.

FOR FURTHER DESCRIPTION OF THE COURT'S DEADLINES, REVIEW THE SAMPLE SCHEDULING ORDER ON THE COURT'S WEBSITE www.txed.uscourts.gov.

As indicated below by asterisks, some dates and events are "firm" and are not to be changed due to limited judicial resources and the court's calendar.

PRETRIAL EVENTS	COURT'S PROPOSED DATES	PARTIES' PROPOSED DATES
Deadline to file motions to transfer	October 6, 2011	
Rule 26(f) meeting*	October 6, 2011	
File case management plan*	October 13, 2011	
Rule 16(b) scheduling conference*	October 20, 2011	
Deadline to add additional parties	October 28, 2011	
Deadline to amend pleadings	October 28, 2011	
Deadline to file motions to dismiss	November 11, 2011	
Exchange privilege logs	December 19, 2011	

Deadline to designate expert witnesses and reports on issues for which the party bears the burden of proof	January 11, 2012	
Deadline to designate expert witnesses and reports on issues for which the party does not bear the burden of proof	February 10, 2012	
Deadline to notify the Court of a mediator		
Discovery deadline	March 12, 2012	
Deadline to complete required mediation	March 19, 2012	
Deadline to file dispositive motions	March 26, 2012	
Deadline for pretrial disclosures	May 10, 2012	
Deadline to file joint pretrial order, motions in limine & joint proposed jury instructions (or proposed findings of fact & conclusions of law)	June 8, 2012	
Pretrial conference & trial scheduling*	July 9, 2012, at 9:00 a.m. in Sherman, Texas	

Signature of Counsel and Date: